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08/180,613 01/13/94 KA70

M 801VBA0021

EXAMINER

RAO, A

ART UNIT

PAPER NUMBER

13

26M2/0122

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2615

DATE MAILED:

01/22/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 4/22/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-14 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-14 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed with respect to claims 1-14 as in Paper 12 on 9/22/95 have been fully considered but they are not deemed to be persuasive.

Applicant presents three arguments contending the rejection of claims 1, 3-4, 8-11 and 13 under 35 USC 102(e) as being anticipated by Ishibashi as made by the Examiner in the Office Action mailed on 5/19/95, is traversed. The Examiner respectfully disagrees.

Firstly, the Applicant argues that the use Ishibashi is improper because the reference constantly transmits the video data information and thus discrimination of the appropriate header is not used to determine transmission, but the existence of an alarm condition. The Examiner respectfully disagrees. The Examiner notes that the reference teaches of using a preferred embodiment wherein ceiling and floor transmission rates are established (Ishibashi: column 4, lines 28-37). However, the Examiner also notes that the reference clearly recognizes constant transmission of vital site information need not occur. In particular, the reference teaches that the receiving display can be stopped by restricting transmission, in relation to the alarm condition (Ishibashi: column 5, lines 5-10). Further contradicting the Applicant's first assertion, the Examiner notes

that the reference discusses the transmission of non-vital packets, or vacant cells in a case where the site information is non-changing, such that a header is used to distinguish these vacant cells (Ishibashi: column 2, lines 13-26). Ishibashi further discloses, within his preferred embodiment, that the apparatus is checking header data in considering an alarm condition, and not just counting the transmitted cells as the Applicant contends, but determining the type of cell transmitted (Ishibashi: column 5, lines 29-37). After considering the Applicant's first argument the Examiner maintains the grounds for rejection.

Secondly, the Applicant argues that since the Ishibashi reference constantly transmits information, a comparison between a first and second data is not performed. While noting that this line of argument is an extension of the Applicant's first argument, the Examiner respectfully disagrees. The Examiner has argued the reference to clearly disclose that transmission of Ishibashi site information is not constant by disclosing transmission of vacant cells when vital site information is non-changing (Ishibashi: column 2, lines 20-25). A comparison of header data of the Ishibashi site information must be inherently made to determine when the vacant cells are to transmitted, especially since the Ishibashi receiver checks to see if the received packet is vital site information or meaningless non-objective data (Ishibashi: column 5, lines 25-35). After

considering the second argument the Examiner maintains the grounds for rejection.

Lastly, the Applicant argues that Ishibashi does not disclose "encoding means for transmitting neither the first nor second control data". Again, the Examiner respectfully disagrees. The Examiner notes that since constant transmission of the site information is not performed by the Ishibashi coder (Ishibashi: column 5, lines 5-10) in the case of non-changing data (Ishibashi: column 2, lines 13-26), the first and second header data of the vital site information are not transmitted. However, header data of a vacant cell is transmitted in their place (Ishibashi: column 2, lines 23-25) and discriminated within the decoder (Ishibashi: column 5, lines 29-37). The claims are not directed towards restricting the transmission of any header data to the decoder, but only the first and second header data of a predetermined layer. Therefore, the Ishibashi coder would operate as in the manner specified in claims 1, 3, 8, and 13.

Applicant presents no new arguments contending the rejection of claims 2, 5, 9, 12 and 14, under 35 USC 103 as being unpatentable over Ishibashi in view of Raychaudhuri as made in the Office Action mailed on 5/19/95. The Examiner maintains the grounds for rejection of these claims for the reasons used in discussing Ishibashi.

The Applicant presents one remark regarding the rejection of claims 6-7 under 35 USC 103 as being unpatentable over Ishibashi

in view of Fujinama and Raychaudhuri. The Applicant asserts that such a combination would not be obvious to one ordinary skill in art, because post-event monitoring defeats the purpose of the primary reference. The Examiner respectfully disagrees. Since Ishibashi discloses that the setting of the alarm condition also governs the determination of when to transmit vital site information (Ishibashi: column 5, lines 5-60), one of ordinary skill in art would want to incorporate post-event monitoring into Ishibashi as a diagnostic tool usable by a supervisor to eliminate false alarm conditions and thereby ensure a desired and efficient transmission rate for the remote sites to the central supervising station. For the reasons stated above, the Examiner maintains the grounds for rejection of claims 6-7 under 35 USC 103 as being unpatentable over Ishibashi in view of Fujinama and Raychaudhuri.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Serial Number: 08/180,613
Art Unit: 2615

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Rao whose telephone number is (703) 305-4813.

AK
asr
January 16, 1996


TOMMY P. CHIN
SUPERVISORY PATENT EXAMINER
GROUP 2800